IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

WP(C).No. 32244 of 2007(L)

PETITIONER:

K.M. BASHEER, S/O. MOHAMMED HAJI,
KOORIMANNIL HOUSE, MUNDUPARAMBU, MALAPPURAM.

BY ADV. SRI.VIJU ABRAHAM
SRI.JOY C. PAUL
SRI.DOMINIC JOHNSON

RESPONDENTS:

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1. JOINT REGISTRAR (GENERAL) OF
CO-OPERATIVE SOCIETIES, MALAPPURAM.

2. MALAPPURAM DISTRICT CO-OPERATIVE
BANK LTD., MALAPPURAM, REPRESENTED BY ITS
GENERAL MANAGER.

3. GENERAL MANAGER,
THE MALAPPURAM DISTRICT CO-OPERATIVE BANK LTD.,
MALAPPURAM.

R3-BY ADV. SRI.U.K.RAMAKRISHNAN
SRI.P.V.LOHITHAKSHAN
SMT.P.VIJAYAMMA
G.P.SRI.ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

W.P.(C).NO.32244 OF 2007 - L

Dated this the 13th day of December, 2007.

JUDGMENT

Ext.P6 was arrived at an adalath. In the meanwhile, this is the 3rd writ petition seeking either disposal of representations or for certain other reliefs. The petitioner was relegated to the Bank for consideration of extending the benefit of One Time Settlement Scheme. By Ext.P4, that was rejected. It is thereafter that, Ext.P6 decision was arrived at in the adalath.

2. In the aforesaid circumstances, the learned counsel for the petitioner confines his submission to a request that the petitioner may be granted a breathing time, say two months, to wipe off the entire remaining outstandings as a last resort.

In the result, this writ petition is allowed as prayed for at the stage of hearing today and it is directed that further action under the SARFESI Act will stand deferred for a period of two months from today as a last chance and, if the petitioner does not wipe off the entire outstanding including accruing incidentals

and expenditure, the Bank will be at liberty to proceed with further action under the SARFESI Act without any further notice to the petitioner. It is clarified that the time frame fixed above, shall not be extended under any circumstances.

THOTTATHIL B. RADHAKRISHANAN,
JUDGE.

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